

acquisition of all or a portion of certain other outstanding series of MP&L's first mortgage bonds, general and refunding mortgage bonds, pollution control revenues bonds and preferred stock; for its construction program; and for other corporate purposes.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-1842 Filed 1-24-92; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Order Adjusting International Cargo Rate Flexibility Level

Policy Statement PS-109, implemented by Regulation ER-1322 of the Civil Aeronautics Board and adopted by the Department, established geographic zones of cargo pricing flexibility within which cargo rate tariffs filed by carriers would be subject to suspension only in extraordinary circumstances.

The Standard Foreign Rate Level (SFRL) for a particular market is the rate in effect on April 1, 1982, adjusted for the cost experience of the carriers in the applicable ratemaking entity. The first adjustment was effective April 1, 1983. By Order 91-10-57, the Department established the currently effective SFRL adjustments.

We will resume issuing SFRL updates on a two-month cycle as we did up until June 1985, rather than every six months as we have been doing since. In Order 85-6-43, June 13, 1985, we concluded that two-month updates were no longer warranted in light of a stabilization in overall cost trends. Recent experience suggests, however, that use of a bi-monthly cycle will be more reflective of current industry conditions. Of course, the bi-monthly SFRLs issued here supplant those issued earlier in Order 91-10-57.

In establishing the SFRL for the two-month period beginning December 1, 1991, we have projected non-fuel costs based on the year ended September 30, 1991 data, and have determined fuel prices on the basis of the latest available experienced monthly fuel cost levels as reported to the Department.

By Order 92-1-32 cargo rates may be adjusted by the following adjustment factors over the April 1, 1982 level:

Atlantic.....	1.3308
Western Hemisphere.....	1.1294
Pacific.....	1.4771

FOR FURTHER INFORMATION CONTACT:
Keith A. Shangraw (202) 366-2439.

By the Department of Transportation:
January 17, 1992.

Jeffrey N. Shane,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 92-1853 Filed 1-24-92; 8:45 am]

BILLING CODE 4910-62-M

Office of the Secretary

Advisory Commission on Conferences in Ocean Shipping; Open Meeting

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Notice of open meeting of the Advisory Commission on Conferences in Ocean Shipping.

SUMMARY: The Commission will be holding a meeting in Washington, DC on Wednesday and Thursday, February 12-13, 1992; the meeting is open to the public. The Commission plans to determine the recommendations and conclusions to be included in its report to the President and Congress.

DATES: Meeting: Wednesday and Thursday, February 12-13, 1992; 9:30 a.m. to 5:30 p.m. EST.

ADDRESSES: The address for the public meeting is Department of Transportation Headquarters Building, 400 Seventh Street, SW., Washington, DC, room 10234.

FOR FURTHER INFORMATION CONTACT:
Florizelle B. Liser, Executive Director; telephone (202) 366-9781; FAX (202) 366-7870.

SUPPLEMENTARY INFORMATION: The Commission was created by the Shipping Act of 1984 to conduct an independent and comprehensive study of conferences in ocean shipping, particularly whether the Nation would be best served by prohibiting conferences, or by closed or open conferences. The Commission is to provide its report, including recommendations, to the President and the Congress by April 10, 1992. After holding five field hearings around the country during the summer, the Commission began the deliberative stage of its work in October. At this meeting, the Commissioners will on both days determine the recommendations and conclusions for inclusion in its report to the President and Congress.

Issued in Washington, DC on January 17, 1992.

Florizelle B. Liser,

Executive Director.

[FR Doc. 92-1839 Filed 1-24-92; 8:45 am]

BILLING CODE 4910-62-M

National Highway Traffic Safety Administration

[Docket No. 91-63; No. 2]

Blue Bird Body Co.; Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by Blue Bird Body Company (Blue Bird) of Fort Valley, Georgia, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) on the basis that its noncompliance with Safety Standard No. 106 is inconsequential as it relates to motor vehicle safety.

Notice of receipt of a petition was published on December 5, 1991, and an opportunity afforded for comment (56 FR 63755).

Based on information provided by the Weatherhead Division of Dana Corporation, Blue Bird determined that certain air brake hoses installed in approximately 11,150 buses do not comply with the adhesion requirements of S7.3.7 of Federal Motor Vehicle Safety Standard No. 106, "Brake Hoses." Section S7.3.7 requires that, except for hose reinforced by wire, an air brake hose shall withstand a tensile force of eight pounds per inch of length before separation of adjacent layers.

Blue Bird supported its petition with the following:

1. Blue Bird Body Company is not aware of any accidents, complaints or warranty issues related to the use of these hoses.
2. Its application of the hoses is non-vacuum in nature and the arguments set forth by Weatherhead, Navistar, Mack and White GMC Volvo are applicable to its products.
3. It is Blue Bird belief that the installation of the suspect Weatherhead hoses on its buses is consistent with industry standards and installations covered in the petitions filed by the previously mentioned component and truck manufacturers. Therefore, Blue Bird Body Company should be granted the same relief as the other petitioners.

No comments were received on the petition. At the time the petitioner filed its petition, the petitions by two other users of the Dana Weatherhead hose, Navistar International and Mack Trucks, Inc., were still under consideration. These petitions were granted on October 11, 1991 (56 FR 51440) on the basis of the following arguments:

1. The end use of the hoses was such that they were subject to pressure, not vacuum applications.

2. If the hoses were used in vacuum applications, their crimped end fittings make it unlikely that air would become trapped between the layers of the hose.

3. If there is any permeation of air from the inner tube, the hoses are designed to release it through the pinpricked outer layer.

The petitioner uses the Weatherhead hoses in pressure applications. NHTSA understands the petitioner represents that the outer layer of the hoses is pinpricked and that the hoses are equipped with the same crimped end fittings as the Weatherhead hoses. Thus the same factors exist in this case as in the previous petitions which were granted.

Accordingly, petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is granted.

(15 U.S.C. 1417; delegation of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: January 16, 1992.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 92-1875 Filed 1-24-92; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: January 17, 1992

The Department of Treasury has made revisions and resubmitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, P.L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0205.

Form Number: IRS Form 5452.

Type of Review: Resubmission.

Title: Corporate Report of

Nondividend Distributions.

Description: Form 5452 is used by corporations to report their nontaxable distributions as requested by Internal Revenue Code (IRC) section 6042(d)(2). The information is used by IRS to verify

that the distributions are nontaxable as claimed.

Respondents: Farms, Businesses or other for-profit, Small businesses or organizations.

Estimated Number of Respondents/Recordkeepers: 1,700.

Estimated Burden Hours Per

Respondent/Recordkeeper:

Recordkeeping—19 hours, 51 minutes

Learning about the law or the form—1 hour, 20 minutes

Preparing the form—3 hours, 35 minutes

Copying, assembling and sending the form to IRS—32 minutes

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 43,010 hours.

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92-1838 Filed 1-24-92; 8:45 am]

BILLING CODE 4830-01-M

Customs Service

Statement of Position on Execution of New Powers of Attorney Due to Merger, Consolidation or Similar Transaction of Customs Broker, and Obtaining New Broker's License in Certain Situations

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Statement of position.

SUMMARY: When Customs brokers merge, consolidate or engage in other transactions where the surviving broker is a different legal entity than the predecessor broker, the surviving broker must obtain powers of attorney in its name from the clients of the predecessor broker before conducting Customs business on their behalf; however, there is no such requirement if the power of attorney granted to the predecessor broker specifically provides that it is transferable to a Customs broker which is the predecessor broker's legal successor in interest. Customs will not take broker compliance action under 19 U.S.C. 1641, in connection with the execution of new powers of attorney, provided that the clients of the predecessor broker are notified of the proposed merger, consolidation or other transaction prior to its effective date, and the new powers of attorney are

executed in favor of and are retained by the surviving broker within thirty (30) days of the effective date of the transaction, unless additional time is requested and is granted by Customs within the thirty (30) day period. In the case of mergers, consolidations or other transactions which occurred prior to the date of this Notice, the new powers of attorney must be executed and retained within thirty (30) days of the date of this Notice, unless additional time is requested and is granted by Customs within the thirty (30) day period.

When an entity which does not hold a Customs broker's license engages in a merger, consolidation or other transaction with a Customs broker and the surviving entity is a different legal entity than the broker, the surviving entity must obtain a Customs broker's license and powers of attorney in its name before conducting Customs business except on its own behalf.

EFFECTIVE DATE: January 27, 1992.

FOR FURTHER INFORMATION CONTACT:

Robert W. Page, Chief, Entry Compliance Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., room 1313, Washington, DC 20229, (202) 566-5307.

SUPPLEMENTARY INFORMATION: 19 U.S.C. 1641 provides that the Secretary of the Treasury may prescribe rules and regulations relating to the licensing of Customs brokers, the keeping of books, records, and other documents, and the imposition of penalties resulting from the violation of those rules and regulations. 19 CFR 141.46 requires that Customs brokers obtain powers of attorney from their principals before transacting Customs business on their behalf, and that the powers of attorney must be retained with the brokers' books and papers. Specific penalties for the failure to retain powers of attorney are provided for in 19 CFR 171, App. C, V, E.

In HQ Ruling 223119 (August 26, 1991), Customs held that the Customs broker's license and powers of attorney held by a wholly owned subsidiary were not transferable to its parent corporation when the subsidiary was absorbed by the parent corporation in a merger. Customs also held that the surviving corporate entity had to obtain a Customs broker's license in its name and new powers of attorney in its name from the clients of the subsidiary corporation. In Customs Legal Determination No. 82-0048, issued April 5, 1982, Customs held that when a parent Customs broker corporation dissolves a subsidiary Customs broker corporation, the powers of attorney

issued to the subsidiary are not transferable to the parent corporation. Customs maintains the same position when brokers which are not parent and subsidiary corporations merge, consolidate or engage in other transactions where the surviving broker is a different legal entity than the predecessor broker to whom the powers of attorney in question were issued.

Importers generally grant powers of attorney to Customs brokers on the basis of the importer's trust and confidence in the broker's skill, judgment and discretion. Mergers, consolidations and other transactions may result in changes of circumstances which affect the importer's intent to transact business through the successor to the broker. This change of intent can occur whether the broker to whom the power of attorney is issued is a corporation, partnership, individual or other legal person. (However, Customs held in HQ Ruling 730666 (August 18, 1987) that it is not necessary to obtain new powers of attorney where a corporate broker merely undergoes a name change and there is no change in the corporate entity itself).

Customs recognizes that mergers, consolidations and other transactions in the brokerage industry may occur rapidly and involve many parties, and that obtaining new powers of attorney by the effective date of the transaction may be difficult or impracticable. This Notice gives affected persons, whether they be corporations, partnerships, individuals or other legal persons, a reasonable period of time in which to comply with the power of attorney requirements.

Samuel H. Banks,
Assistant Commissioner, Office of
Commercial Operations.

[FR Doc. 92-1737 Filed 1-24-92; 8:45 am]

BILLING CODE 4820-02-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301-86]

Termination of Section 302 Investigation: Intellectual Property Laws and Practices of the People's Republic of China and Revocation of Priority Foreign Country Designation

AGENCY: Office of the United States
Trade Representative.

ACTION: Notice of termination of
investigation under section 302 of the
Trade Act of 1974, as amended, and
revocation of priority foreign country
identification under section 182(c)(1)(A)
of the Omnibus Trade and
Competitiveness Act of 1988.

SUMMARY: The United States Trade
Representative (USTR) has decided to
terminate an investigation initiated
under section 302 of the Trade Act of
1974 as amended (Trade Act) with
respect to the intellectual property laws
and practices of the People's Republic of
China, having reached a satisfactory
resolution of the issues under
investigation.

In addition, USTR has decided to
revoke China's identification as a
priority foreign country under section
182 of the Trade Act, as amended, by
section 1303 of the Omnibus Trade and
Competitiveness Act of 1988 (1988 Act).

DATES: This investigation was
terminated and China's identification as
a priority foreign country revoked
effective January 17, 1992.

FOR FURTHER INFORMATION CONTACT:
Lee Sands, Director for China and
Mongolia, at (202) 395-5050, or
Catherine Field, Associate General
Counsel, at (202) 395-3432, Office of the
United States Trade Representative, 600
17th Street, NW., Washington, DC 20506.

SUPPLEMENTARY INFORMATION: On May
26, 1991, pursuant to section 302(b)(2)(A)

of the Trade Act, the United States
Trade Representative initiated an
investigation of those acts, policies and
practices of the Government of China
that were the basis for identification of
China as a priority foreign country
under section 182 of the 1988 Act. These
included: (1) Deficiencies in China's
patent law, in particular, the failure to
provide product patent protection for
chemicals, including pharmaceuticals
and agricultural chemicals, (2) lack of
copyright protection for U.S. works not
first published in China, (3) deficient
levels of protection under the copyright
law and regulations, (4) inadequate
protection of trade secrets, and (5)
deficient enforcement of intellectual
property rights, including rights in
trademarks.

On January 17, the U.S. Government
reached an agreement with the Chinese
Government in which China agreed to
make significant improvements in the
protection of patents, copyrights, and
trade secrets and also agreed to
effectively enforce intellectual property
rights. On the basis of the commitments
contained in this agreement and in the
expectation that these commitments will
be fully implemented, the USTR has
decided to terminate this investigation.
In addition, pursuant to section
182(c)(1)(A) of the Trade Act, the USTR
has decided that this information
warrants revocation of China's
identification as a priority foreign
country.

The USTR will monitor China's
compliance with this trade agreement
and if, on the basis of this monitoring,
the USTR considers that the China is not
satisfactorily implementing the
agreement, the USTR shall determine
what further action to take.

A. Jane Bradley,
Chairman, Section 301 Committee.
[FR Doc. 92-1852 Filed 1-24-92; 8:45 am]

BILLING CODE 3190-01-M